# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/628,976 | 07/28/2003 | Brad Haeberle | 2003P00904US01 | 7129 |

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| EXAMINER |
|---|
| GORTAYO, DANGELINO N |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2168 | |

DATE MAILED: 02/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

| | Application No. | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 10/628,976 | HAEBERLE ET AL. |
| | Examiner | Art Unit | |
| | Dangelino N. Gortayo | 2168 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on <u>4/7/2004</u>.

2a)☐ This action is **FINAL**.  2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) <u>16-32</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>16-32</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>4/7/2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All  b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

## DETAILED ACTION

1.      Claims 16-32 are pending.

2.      Preliminary amendments to the specification, the drawings, and the claims filed

on 4/7/2004 have been entered for examination.

### *Drawings*

3.      The drawings were received on 4/7/2004.  These drawings are acceptable.

### *Specification*

4.      Applicant is reminded of the proper language and format for an abstract of the
disclosure.

The abstract should be in narrative form and generally limited to a single
paragraph on a separate sheet within the range of 50 to 150 words.  It is important that
the abstract not exceed 150 words in length since the space provided for the abstract
on the computer tape used by the printer is limited.  The form and legal phraseology
often used in patent claims, such as "means" and "said," should be avoided.  The
abstract should describe the disclosure sufficiently to assist readers in deciding whether
there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information
given in the title.  It should avoid using phrases which can be implied, such as, "The
disclosure concerns," "The disclosure defined by this invention," "The disclosure
describes," etc.

### *Claim Rejections - 35 USC § 112*

5.      The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6.      Claim 28 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim uses the phrase "capable of" when describing the function of the server and operational data. It is unclear what the applicant's intended metes and bounds of the claim are, since the claim appears to cover anything and everything that does not prohibit actions from occurring. Proper correction is required.

## Claim Rejections - 35 USC § 102

7.      The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8.      Claims 16-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Kalantar et al. ("Kalantar" US # 6,954,737).

As per claim 16, <u>Kalantar</u> teaches "A computer implemented method for

providing information relating to service activity for a plurality of building sites and

operation data for one or more systems located at one or more building sites:" (See

Figure 1 reference 110, 120 and Abstract)

"providing a web portal comprising a database, and storing service related

information about a plurality of building sites and operational data about one or more

systems located in said one or more building sites in said database;" (column 6 lines 48-

55, wherein a central management server connected to a WAN holds data regarding

information about a plurality of building sites and operational data regarding

maintenance).

"receiving at said web portal a request for information about service activities at

one or more building sites from one or more clients;" (column 8 lines 7-19, wherein the

central management server receives a request of information from an EMI unit, which is

a client).

"determining at said web portal service activities that are implicated by said

request;" (column 30 lines 38-64, wherein the central management server generates a

list of tasks to be performed based on the request from the EMI unit).

"transmitting from said web portal information implicated by said request such

that said information is capable of being displayed on a client display," (column 31 lines

38-50, wherein the central management server sends the work schedule, including task

list, to be displayed on the EMI unit in the first building site).

"receiving at said web portal a request for operational data related to said service information transmitted by said web portal;" (column 32 lines 25-43, wherein the central management server receives from the EMI unit a task status message, which is analogous to operational data).

"determining at said web portal the operational data implicated by said request;" (column 32 lines 44-57, wherein the central management server determines from the request the relevance of the status of each task and updates the task in the database

"and transmitting from said web portal operational data implicated by said request such that said operational data is capable of being displayed on a client display." (column 33 lines 7-17, wherein the central management server sends the work status report to the EMI unit, and is synonymous).

As per claim 17, Kalantar teaches "said service activity information further comprises service contract information." (column 12 lines 14-33, wherein service activity information includes user records identifying where a user is scheduled to perform specified tasks, implying a contract and is analogous).

As per claim 18, Kalantar teaches "said service activity information further comprises information about the types of services being provided." (column 12 line 49 – column 13 line 7, wherein the central management server holds information on the types of tasks being provided as well as the status of tasks).

As per claim 19, Kalantar teaches "said service activity information further comprises information about the types of systems being serviced." (column 13 lines 8-

18, wherein the central management server holds information containing a number of templates, which defines the system being serviced).

As per claim 20, <u>Kalantar</u> teaches "said service activity information further comprises information about the status of service activities." (column 12 lines 57-67, wherein service activity information held in the central management server includes task status identifiers to indicate a variety of states).

As per claim 21, <u>Kalantar</u> teaches "the step of providing a web portal comprises providing a web server." (column 6 lines 15-24, wherein the central management server, representing the web portal communicates with facilities, representing facilities, representing clients, through a WAN, such as the world wide web).

As per claim 22, <u>Kalantar</u> teaches "computer implemented method for providing information relating to service activity for a plurality of building sites and operation data for one or more systems located at a building site:" (see Abstract).

"providing a web portal comprising a database, and storing service related information about a plurality of building sites and operational data about one or more systems located in said one or more building sites in said database;" (column 6 lines 48-55, wherein a central management server connected to a WAN holds data regarding information about a plurality of building sites and operational data regarding maintenance).

"receiving at said web portal a request for operational data about one or more systems from one or more clients;" (column 32 lines 25-43, wherein the central

management server receives from the EMI unit a task status message, which is analogous to operational data and indicates systems within the chosen facility).

"determining at said customer web portal operational data implicated by said request;" (column 32 lines 44-57, wherein the central management server determines from the request the relevance of the status of each task and updates the task in the database

"transmitting said operational data implicated by said request such that said operational data is capable of being displayed on a client display." (column 33 lines 7-17, wherein the central management server sends the work status report to the EMI unit, and is synonymous).

"receiving at said web portal a request for service information related to said operational data from one or more clients;" (column 8 lines 7-19, wherein the central management server receives a request of information, which points to work status in the central management server, from an EMI unit, which is a client).

"determining at said customer web portal service information implicated by said request" (column 30 lines 38-64, wherein the central management server generates a list of tasks to be performed based on the request from the EMI unit).

" and transmitting said service related information implicated by said request such that the service information is capable of being displayed on a client display. (column 31 lines 38-50, wherein the central management server sends the work schedule, including task list, to be displayed on the EMI unit in the first building site).

As per claim 23, <u>Kalantar</u> teaches "said service activity information further comprises service contract information." (column 12 lines 14-33, wherein service activity information includes user records identifying where a user is scheduled to perform specified tasks, implying a contract and is analogous).

As per claim 24, <u>Kalantar</u> teaches "said service activity information further comprises information about the types of services being provided." (column 12 line 49 – column 13 line 7, wherein the central management server holds information on the types of tasks being provided as well as the status of tasks).

As per claim 25, <u>Kalantar</u> teaches "said service activity information further comprises information about the types of systems being serviced." (column 13 lines 8-18, wherein the central management server holds information containing a number of templates, which defines the system being serviced).

As per claim 26, <u>Kalantar</u> teaches "said service activity information further comprises information about the status of service activities." (column 12 lines 57-67, wherein service activity information held in the central management server includes task status identifiers to indicate a variety of states).

As per claim 27, <u>Kalantar</u> teaches "the step of providing a web portal comprises providing a web server." (column 6 lines 15-24, wherein the central management server, representing the web portal communicates with facilities, representing facilities, representing clients, through a WAN, such as the world wide web).

As per claim 28, <u>Kalantar</u> teaches "A system for providing information about a plurality of building sites" (see Abstract)

"a server comprising a database for storing operational data from a plurality of building systems located in said plurality of building sites and for storing service activity information from a plurality of building sites," (column 9 lines 20-35, wherein a central management server contains a database that stores facility records, including work schedule and task ids).

"said server capable of being operatively connected to one or more clients through a network," (column 8 lines 7-20, wherein the central management server communicates with EMI units via a WAN).

"said server being capable of receiving requests for said operational data and said service activity data for transmitting said operational data and service activity data such that said operational data and service activity data is capable of being displayed on a client display." (column 12 lines 34-44, wherein the central management server receives requests for work orders, which is processed and is sent back to the EMI unit, which can display the data).

As per claim 29, <u>Kalantar</u> teaches "said service activity information further comprises service contract information." (column 12 lines 14-33, wherein service activity information includes user records identifying where a user is scheduled to perform specified tasks, implying a contract and is analogous).

As per claim 30, <u>Kalantar</u> teaches "said service activity information further comprises information about the types of services being provided." (column 12 line 49 –

column 13 line 7, wherein the central management server holds information on the types of tasks being provided as well as the status of tasks).

As per claim 31, <u>Kalantar</u> teaches "said service activity information further comprises information about the types of systems being serviced." (column 13 lines 8-18, wherein the central management server holds information containing a number of templates, which defines the system being serviced).

As per claim 32, <u>Kalantar</u> teaches "said service activity information further comprises information about the status of service activities." (column 12 lines 57-67, wherein service activity information held in the central management server includes task status identifiers to indicate a variety of states).

## Conclusion

9.      The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Masui et al. (US # 6,917,859 B2)

Takahashi et al. (US # 6,604,061 B2)

Starkey (US # 6,745,200 B2)

Hunter et al. (US # 6,363,422 B1)

Markle et al. (US # 6,721,689 B2)

10.     Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Dangelino N. Gortayo whose telephone number is

(571)272-7204.  The examiner can normally be reached on M-F 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jeffrey A. Gaffin can be reached on (571)272-4146.  The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system.  Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).


Dangelino N. Gortayo
Examiner